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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. 4-10-70784-MAG
)	
11 Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS HEARING,
12 v.)	WAIVING THE TIMING FOR A
)	PRELIMINARY HEARING AND
13 JANE DOE, a/k/a "NAVCHAA SUREN,")	EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 Defendant.)	
)	
15)	Hearing Date: October 13, 2010
)	Time: 10:00 a.m.
16)	

17 The above-captioned matter is set on October 13, 2010 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to November 18, 2010 at
19 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between October 13, 2010 and November 18, 2010.

21 Defendant Navchaa Suren was charged out of the Western District of New York with
22 making false statements to an immigration officer, in violation of 18 U.S.C. § 1001(a)(2). On
23 September 3, 2010, Ms. Suren made an initial appearance in this district and was released on a
24 bond. The current status of this case is that counsel for Ms. Suren is attempting to negotiate a
25 Rule 20 disposition under the Federal Rules of Criminal Procedure with the United States
26 Attorney's Office in the Western District of New York. The defense needs additional time to

Stip. Req. To Continue Hearing Date and to
Exclude Time, 4-10-70784-MAG

1 prepare this matter and to negotiate with the United States Attorney's office because defense
2 counsel is currently awaiting discovery from the Western District of New York. Once defense
3 counsel receives that discovery, counsel will need time to review it and to discuss it with her
4 client. Defense counsel also needs additional time to collect immigration records and to
5 investigate the immigration consequences of this matter.

6 For these reasons, defendant Suren agrees to waive the timing of a preliminary hearing
7 under Rule 5.1 of the Federal Rules of Criminal Procedure. The parties agree that this waiver
8 covers all time between the date of this stipulation and November 18, 2010.

9 The parties also agree that the failure to grant this continuance would unreasonably deny
10 counsel for defendant the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence. Accordingly, the parties stipulate and agree that the ends
12 of justice served by this continuance outweigh the best interest of the public and the defendant in
13 a speedy trial. The parties further agree that the period of time from October 13, 2010 to
14 November 18, 2010, should be excluded in accordance with the provisions of the Speedy Trial
15 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking
16 into account the exercise of due diligence.

17
18 DATED: October 8, 2010

19 /S/
JOSHUA HILL
Assistant United States Attorney

20
21 DATED: October 8, 2010

22 /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the defense needs time to negotiate a Rule 20 disposition with the United States Attorney in the Western District of New York;
2. Given defense counsel's need to receive and review the discovery in this case;
3. Given that defense counsel needs time to collect immigration records and to assess the immigration consequences of a conviction in this matter;
4. Given that defendant agrees to waive the timing of a preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure;
5. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
6. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of October 13, 2010, scheduled at 10:00 a.m., is vacated and reset for November 18, 2010, at 9:30 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from October 13, 2010 to November 18, 2010. It is further ordered that the timing of the preliminary hearing is waived between October 13, 2010 through November 18, 2010.

October 12, 2010



HON. DONNA RYU
United States Magistrate Judge